

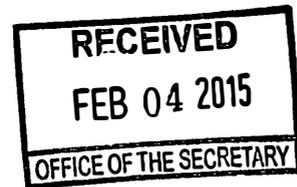
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**UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION**

In the Matter of

**BRAVO ENTERPRISES, LTD. and
JACYLN CRUZ**

**Administrative Proceeding
File No. 3-16292**



**DIVISION OF ENFORCEMENT'S OPPOSITION TO PETITIONERS' OPENING
BRIEF IN THE MATTER OF BRAVO ENTERPRISES, LTD AND JACLYN CRUZ**

Respectfully submitted,
DIVISION OF ENFORCEMENT
By its attorneys:

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Dated: February 3, 2015

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INTRODUCTION

The Division of Enforcement (“Division”) hereby submits this brief in Opposition to Petitioners’ Opening Brief in the Matter of Bravo Enterprises, Ltd. (“Bravo”) and Jaclyn Cruz (“Pet. Brief”).

PROCEDURAL HISTORY

On November 20, 2014, pursuant to Section 12(k) of the Securities Exchange Act of 1934 (“Exchange Act”), the Commission temporarily suspended trading in four companies including Bravo (ticker sign OGNG) through December 4, 2014 (“Trading Suspension Order”). *See Bravo Enterprises Ltd.*, Securities Exchange Act Release No. 73650, 2014 WL 6480286 (Nov. 20, 2014); *Bravo Enterprises Ltd.*, 2014 WL 6480308 (Nov. 20, 2014). The Commission suspended trading because it “appear[ed] to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of the issuers listed below.” Specifically as to Bravo the Commission stated: “Questions have arisen concerning the accuracy and adequacy of publicly disseminated information, including information about the relationship between the company’s business prospects and the current Ebola crisis.” Further, the “Commission is of the opinion that the public interest and the protection of investors require the suspension of trading.” *Id.*

Following the entry of the trading suspension, staff of the Division conveyed to Bravo the bases for the trading suspension. (Second Wash Aff. ¶ 2, attached as Ex 1.) In response, on December 1, 2014, pursuant to Rule of Practice 550, Bravo and Cruz petitioned the Commission for termination of the Trading Suspension Order (“Petition”). In accordance with Rule of Practice 550(b) on December 19, 2014, the Commission issued an Order Requesting Additional Written Submissions (“Briefing Order”). 12/1/2014 Order, AP File 3-16292.

Pursuant to the Briefing Order, on January 5, 2015, the Division filed all the information that was before the Commission at the time of the Trading Suspension Order except privileged legal analysis or sensitive information about the staff's investigative methods. On January 20, 2015, Petitioners filed their opening brief and appendix.¹

STATEMENT OF FACTS

A. Issuer Background

Bravo is a Nevada corporation with its principal place of business in Patchogue, New York. (2013 Bravo Form 10-K, filed April 14, 2014, [sec.gov/Archives/edgar/data/746631/000147793214001770/ogng_10k.htm](http://www.sec.gov/Archives/edgar/data/746631/000147793214001770/ogng_10k.htm).) Bravo is a purported manufacturer and distributor of "air to water harvester units" that produces drinkable water from humidity in the surrounding air. (2013 Bravo Form 10-K at 4-5.) In November 1985, Bravo (then Asdar Group) filed a Form S-18 to register an initial public offering. (2000 Asdar, Inc. Form 10-k at 2, <http://www.sec.gov/Archives/edgar/data/746631/000102859600000071/0001028596-00-000071.txt>.) Bravo's securities are registered with the Commission pursuant to Exchange Act Section 12(g). (2013 Bravo Form 10-K.) Bravo's common stock (ticker "OGNG") is quoted on OTC Link (previously "Pink Sheets") operated by OTC Markets Group, Inc. ("OTC Link"). (Bravo quote page, <http://www.otcmarkets.com/stock/OGNG/quote>.) As of October 31, 2014, Bravo's securities had eleven market makers and were eligible for the "piggyback" exception of Exchange Act Rule 15c2-11(f)(3).

Bravo has undergone eight name changes and engaged in a variety of business models since being incorporated in 1983 as Venture Group, Inc. (2013 Bravo Form 10-K at 4.)

¹ As reflected in Petitioners' Certificate of Service, the Petitioners did not serve their brief on the Division. Only after staff of the Division called counsel for the Petitioners on January 21, 2015 did Petitioners serve a faxed copy to the Division.

Beginning in April 2009, Bravo's current president, Jaclyn Cruz, engaged in the business plan to develop a "rotary hydroponics vertical farming system" under the name Organa Gardens International Inc. ("Organa"). (2009 Organa Gardens International, Inc. Form 10-K at 2-4, <http://www.sec.gov/Archives/edgar/data/746631/000109181810000116/ogng04091010k.htm>.)

On June 8, 2012, Organa changed its name to Bravo and affected a 1:20 stock split of all of its outstanding stock.² (2013 Bravo Form 10-K at 11.) On August 12, 2013, Bravo reported the signing of a marketing and sales agreement with Splash Water Solutions Canada Ltd. ("Splash Canada"), a privately owned company based in British Columbia, Canada. (Pet. Brief ¶ 8.)

In its most recent Form 10-K Bravo reported only \$14,206 in cash, revenues of \$37,481 and total liabilities of \$555,064. (2014 Bravo Form 10-K at 13.) The notes to the financial statements evidence that Bravo "has generated nominal revenues of \$40,476 to date and has incurred losses of \$25,690,709 since inception." (*Id.* at 23.) Bravo's auditor expressed substantial doubt about the entity continuing as a going concern and Bravo noted that it would need to raise capital in the next 12 months in order to continue as a going concern. (*Id.* at 11, 12.) Bravo also disclosed that in the next 12 months it did not foresee spending any funds on the development of the air to water harvester units. (*Id.* at 11.)

B. Press Releases

On February 5, 2014, Bravo issued a press release entitled "FEMA Approval and Phil Esposito Assists Bravo's Airwell 3000 Marketing" in which it announced that, since October

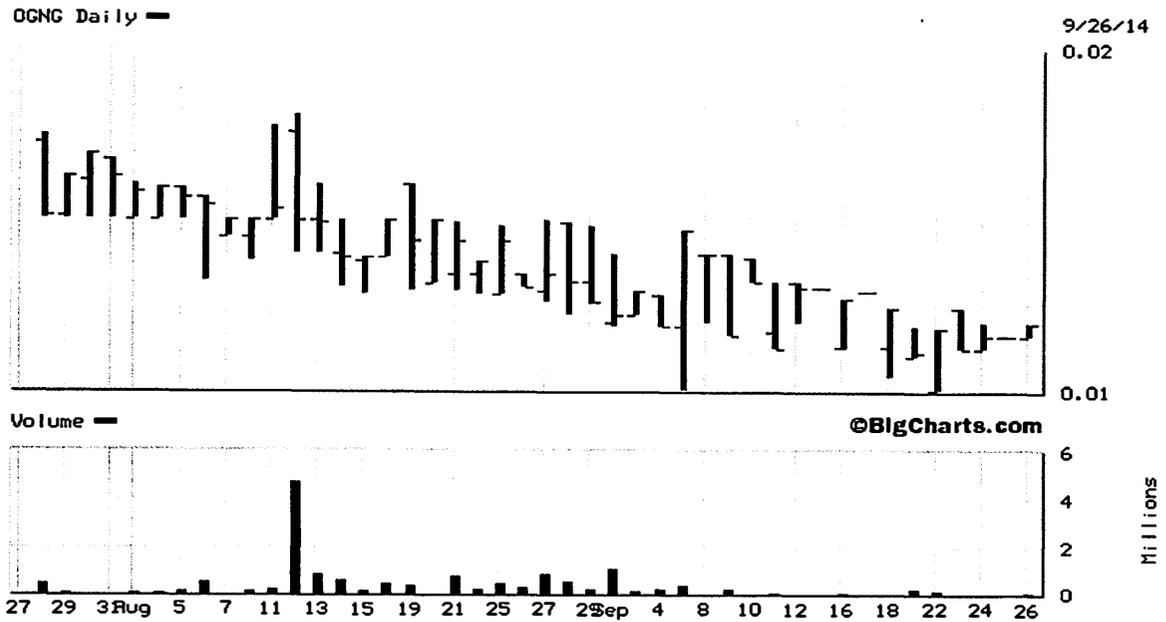
² A September 30, 2014 FINRA referral revealed that Cruz and Bravo's CFO also serve as officers and directors of two other issuers that are quoted on OTC Link located at the same address as Bravo. Bravo's most recent Form 10-K for the fiscal year ended December 31, 2013, reports that its officers are full-time employees and does not disclose their positions with the two other microcap issuers. Petitioners defend this by arguing that Bravo never tried to hide that these officers had other positions because in its most recent Form 10-K a note to the financial statements explained that one of the other companies at issue provided Rule 144 shares to Bravo and the two companies shared directors and significant shareholders. (Pet. Brief ¶ 4.) Putting aside the purported disclosure's vagueness, Petitioners miss the point. Bravo represented in its filings that the employees at issue worked full-time for the company. Yet, apparently they also worked for other companies as well, thereby suggesting that the company's disclosure as to the commitment of the employees to Bravo was misleading.

2013, when the company received official recognition from the United States Federal Emergency Management Agency (FEMA), the company has been actively marketing the AirWell 3000, its air-to-water commercial and industrial machine. (Ex. 2.) However, FEMA employees informed the staff by phone and in an email that there were no so-called “FEMA approved companies” and that the terms used by Bravo in its press release were misnomers. (Information Before the Commission (“Information”), Wash Aff. ¶ 10.) The FEMA employees also informed the staff that any company interested in doing business with FEMA must be registered through certain databases, such as the System of Award Management (“SAM”). SAM is used by federal entities to locate private vendors to submit bids on potential business opportunities with the federal government. (*Id.*) The staff found a registration on SAM’s website for Bravo which was activated in October 2013 and had expired in September 2014. However, the mere fact of registering with SAM does not imply “official recognition” or “approval” by FEMA. (*Id.*)

On August 27, 2014, Bravo issued a press release entitled “Bravo Confirms Water is Top Priority in Ebola Outbreak” in which it stated that “in the effort to contain the spread of Ebola in Liberia’s capital Monrovia, tens of thousands of people have been barricaded” and then noted that “Bravo’s air to water machines would be of great assistance in this desperate situation. Bravo’s selection of commercial and industrial machines can be a temporary and permanent alternative water supply for Liberia and countries like it.” (Ex. 3.) According to a Financial Industry Regulatory Authority (“FINRA”) referral, an individual associated with Bravo told FINRA staff that Bravo had never actually sold a commercial or industrial machine but has only “tried to market and sell the large machines as well as encourage individuals who were interested to actually place an order.”

After the Commission-ordered trading suspension, on November 25, 2014, Bravo issued another press release in which it conceded that receiving a SAM number “in no way means that FEMA would endorse Bravo’s atmospheric water generating machines above any other vendor wanting the same contract.” (Petitioners Exhibit (“Pet. Ex.”) B.) In that press release, Bravo also attempted to minimize the reference to Ebola in its August 27, 2014 press release by stating that it “only made an incidental mention of Ebola in its headlines with respect to a reminder that the lack of food and water was equally as troubling as the Ebola virus, which has seen the death toll rise in the last three months since the press release.” (*Id.*)

During the period June 1, 2014 through August 27, 2014, Bravo’s last share price fluctuated between a low of \$0.013 per share and a high of \$0.029 per share on average daily volume of 668,000. During the same period Bravo was the subject of 48 penny stock touts. (Information, Wash Aff. ¶ 13.) Following Bravo’s August 27 press release about the potential benefit of Bravo’s air-to-water machines in Liberia, the share price increased 3% from \$0.013 per share to \$0.0134 per share. The daily volume spiked 184% from 317,000 shares to 901,000 shares. Bravo’s August 27, 2014 press release concerning the Ebola crisis coincided with a paid stock alert on hotStocked.com that touted FEMA’s official recognition of Bravo permitting it to bid on contracts to supply the federal government. A chart reflecting the price and volume fluctuations for Bravo over the two month period surrounding August 27, 2014, is included below. (*Id.*)



(Id.)

ARGUMENT

Congress has conferred upon the Commission the right to impose a time-limited trading suspension. *SEC v. Sloan*, 436 U.S. 103, 112 (1978). In adopting Rule of Practice 550, the rule governing summary suspensions pursuant to Section 12(k)(1)(A) of the Exchange Act the Commission stated:

The usual purpose of a suspension is to alert the investing public that there is insufficient public information about the issuer upon which an informed investment judgment can be made or that the market for the securities may be reacting to manipulative forces or deceptive practices. Consequently, the primary issues normally to be considered by the Commission in determining whether or not a 10-day suspension should be instituted are whether or not there is *sufficient public information upon which to base an informed investment decision or whether the market for the security appears to reflect manipulative or deceptive activities.*

Rules of Practice, 60 FR 32738-01 (emphasis added).

Recently, the Commission's Office of Investor Education and Advocacy issued an investor bulletin regarding trading suspensions detailing the circumstances that might lead it to suspend trading including:

1) A lack of current, accurate, or adequate information about the company, for example, when a company is not current in its filings of periodic reports; 2) Questions about the accuracy of publicly available information, including in company press releases and reports, about the company's current operational status, financial condition, or business transactions; and 3) Questions about trading in the stock, including trading by insiders, potential market manipulation, and the ability to clear and settle transactions in the stock.

Investor Bulletin: Trading Suspensions, sec.gov/investor/alerts/tradingsuspensions.pdf (May 2012).

The Commission has previously ordered trading suspensions pursuant to Section 12(k) where it appeared likely that manipulative activity was occurring in a U.S. penny-stock. *See, e.g., In the Matter of Press Ventures, Inc.*, Exchange Act Release No. 34-70771 (Oct. 30, 2013) (suspected manipulative activity in company's security). The Commission has also ordered trading suspensions where investors were at risk because of a lack of accurate information concerning a company's securities and there were questions as to the accuracy of public statements about the company or its stock. *See, e.g., In the Matter of American Pacific Rim Commerce Group et al.*, Exchange Act Release No 34-64612 (June 7, 2011) (suspending trading in 17 microcap stocks because of questions about the adequacy of publicly available information).

Here, the Commission expressed concerns regarding the accuracy and adequacy of publicly disseminated information including information related to the relationship between Bravo's business prospects and Ebola. Also before the Commission was information regarding trading in Bravo's securities that raised concerns regarding possible manipulation in the security. (Information, Wash Aff. ¶ 13.) In essence, Petitioners make three arguments that the Commission ordered the trading suspension in error: 1) Bravo corrected its misleading FEMA press release by issuing another press release correcting the error; and 2) the August 27, 2014

press release was not misleading because it only mentioned Ebola in passing; and 3) a categorical denial that any manipulation in Bravo's securities had occurred. None of these arguments are availing.

A. Commission's Trading Suspension Caused Bravo to Issue Press Release Correcting Inaccuracy of Prior Information Regarding FEMA.

Petitioners argue that a trading suspension was unnecessary because it did not intend to mislead the public regarding its purported FEMA certification and provided information to the public correcting any misstatements regarding its purported certification. Petitioners miss the point. First, the issuer need not have intended to mislead the public through inaccurate or incomplete information for a trading suspension to be appropriate. Instead, the Commission has recognized that the public information need only be incomplete or inaccurate—intent is irrelevant. Second, one of Commission's the stated purposes in ordering a trading suspension is to ensure sufficient information for an investment decision to be made. Here, Petitioners admit that the information in the February 5, 2014 press release regarding FEMA certification was incorrect and that was the only information available to investors at the time of the trading suspension. (Pet. Brief ¶¶ 16-17.) Only after the Commission ordered the trading suspension did Bravo issue a press release correcting its representations regarding FEMA certifications. (*Id.* ¶ 17.) Then the public had the correct information—thereby demonstrating that the trading suspension worked as intended—it caused Bravo to provide accurate information to the public—information not previously available.

B. The August 27, 2014 Press Release Misleadingly Suggested that Bravo Could Sell Commercial Quality Air to Water Machines to Alleviate Water Crisis in Africa.

Petitioners attempt to argue that, because the August 27, 2014 press release made only an “incidental” reference to Ebola and did not promise a treatment or cure for Ebola, it was not misleading. Petitioners misunderstand the issue. The Trading Suspension Order did not state that Bravo made inaccurate claims about a cure for or prevention of Ebola. Instead, it focused on questions regarding the accuracy and adequacy of information, including the relationship between Bravo’s business prospects (i.e. sale of its air to water harvester units) to the Ebola crisis. The August 27, 2014 press release strongly suggested that Bravo was in the position to immediately sell commercial-grade units to those in need in Africa.

Yet, as petitioners admit, at a minimum the company had not sold a commercial unit in twenty four months. (Pet. Brief. 24.) At most they quibble that, contrary to information before the Commission at the time of the trading suspension, no one from the company had ever told FINRA that they “never actually sold a commercial or industrial machine” relying on handwritten responses written on top of an email from FINRA to a Bravo company representative (*Id.*; Ex. C at p.2.) However, Petitioners ignore the email included as the first page of Exhibit C wherein the Bravo representative emailed the FINRA investigator confirming “that the Company has never stated that it has ever sold a commercial and industrial machine, only that the Company has tried to market and sell the large machines as well as encourage individuals who are interested to actually place an order.” (Pet. Ex. C at 1.) Therefore, the Bravo representative strongly implied that Bravo had not stated that it had ever sold a unit because to do so would be inaccurate.

C. Incomplete and/or Misleading Press Release Appears to Have Led to Spikes in Trading.

Finally, the Petitioners argue that the Trading Suspension Order was in error because FINRA did not conclusively determine that any manipulative trading had occurred.³ (Pet. Brief ¶ 25.) That argument is irrelevant. As detailed above, the Division independently identified suspicious trading as well as multiple touts around the time that the company issued its August 27, 2014 press release. In fact, the August 27, 2014 touting of its product in relation to the Ebola crisis appeared to be a move to increase demand for its stock and led to a 184% increase in volume from 317,000 to 901,000 shares. The Commission need not conclude definitively that suspicious trading or manipulative trading has occurred to order a temporary trading suspension. Instead, it need only determine that it has questions regarding possible manipulation or suspicious trading. Here the increase in volume and the fluctuation in price clearly raise questions.

CONCLUSION

For the reasons stated above, the Division requests that the Commission deny Petitioners' request to terminate the trading suspension that issued on November 20, 2014.⁴

Respectfully submitted,

DIVISION OF ENFORCEMENT,
By its attorneys,



Deena Bernstein

Amy Gwiazda

Lauchlan Wash

Rebecca Israel

U.S. Securities and Exchange Commission

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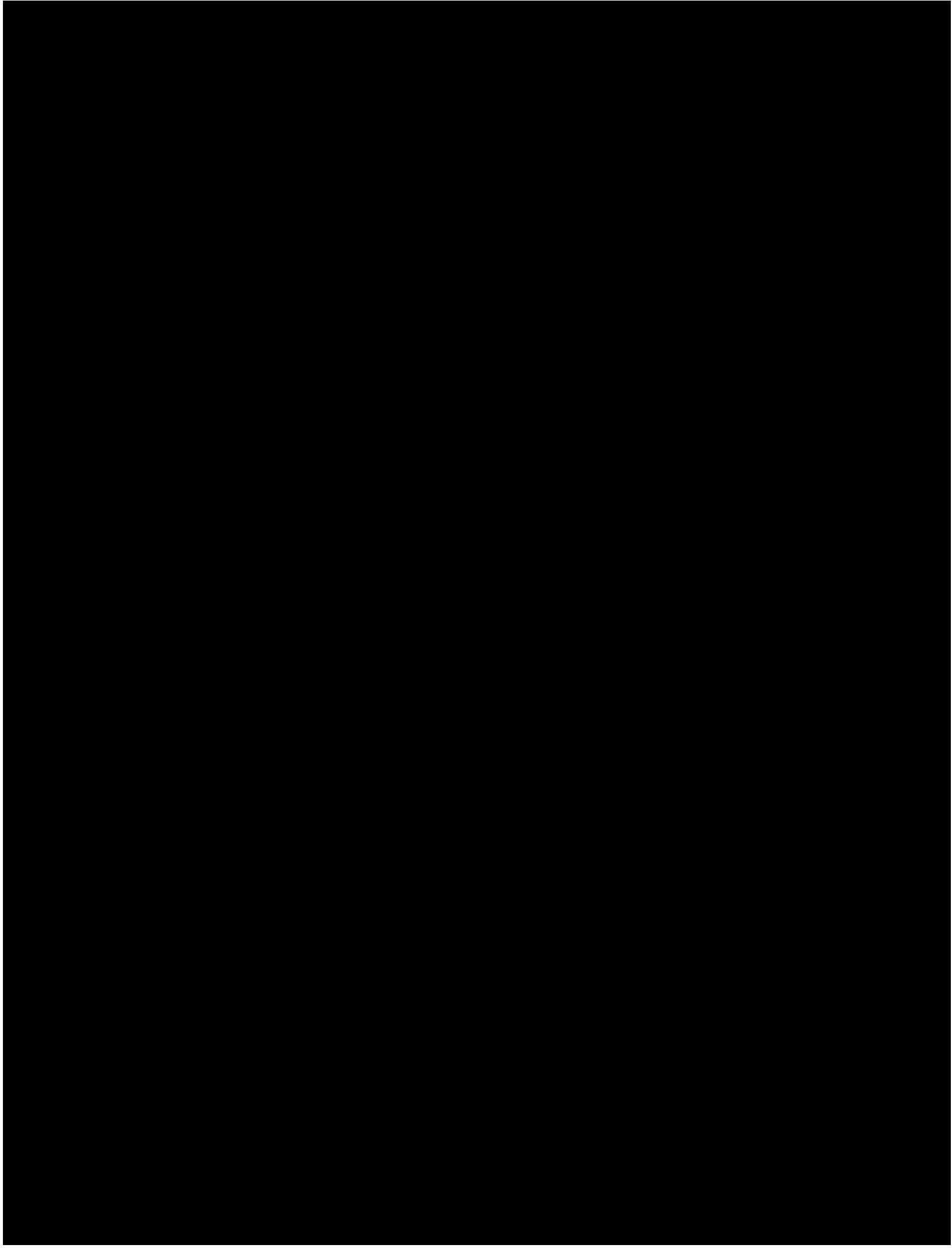
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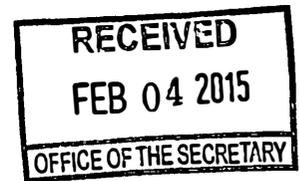
Dated: February 3, 2015

³ Petitioners attempt to disparage the FINRA referral by arguing that it misstated when the company now known as Bravo changed its name. In fact, FINRA did not make any such misstatement. The staff made the error in summarizing the referral. (Second Wash Aff. ¶ 3.)

⁴ Petitioners request that the Commission terminate the suspension. However, the suspension terminated by its own terms on December 4, 2014. Thus, it is unclear what, if any relief, Petitioners are seeking.



UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION



In the Matter of

**BRAVO ENTERPRISES, LTD. and
JACYLN CRUZ**

**Administrative Proceeding
File No. 3-16292**

AFFIDAVIT OF J. LAUCLAN WASH

I, J. Lauchlan Wash, hereby swear:

1. Since November 1995, I have been employed as an enforcement attorney with the U.S. Securities and Exchange Commission (the "Commission") in the Boston Regional Office in the Division of Enforcement ("Division"). My duties include conducting investigations related to potential violations of the securities laws. I was the lead investigator for the Division in this matter.

2. On November 18, 2014, the Division provided the following factual information to the Commission in support of the issuance of the Trading Suspension Order temporarily suspending trading in the securities of Bravo Enterprises, Ltd. ("Bravo"), ticker symbol "OGNG." The Division did not have other communications with the Commission concerning the factual basis in support of the issuance of the Trading Suspension Order.

3. Prior to the Division's communication to the Commission of November 18, 2014, I reviewed a confidential referral to the Division from the Financial Industry Regulatory Authority (FINRA) dated September 30, 2014. In the referral FINRA included a corporate history of the corporate entity now known as Bravo, including the period of time when that corporate entity was named Organa Gardens International, Inc. ("Organa"). The throughout the

FINRA referral the corporate entity is referred to by its stock symbol OGNG, that was assigned to the corporate entity's securities when it was named Organa. In drafting a portion of the Division's communication to the Commission mentioned above, I mistakenly attributed certain facts and circumstances that occurred when the entity was known as Organa to a period of time when the entity was known as Bravo.

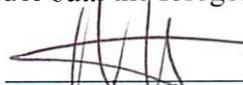
4. On November 20, 2014, following the entry of the Bravo trading suspension, I spoke with Bravo's Operations Director, May Joan Liu informing her of the trading suspension regarding Bravo's securities. I informed Ms. Liu that the trading suspension was based on, among other things, the Commission's concerns about the accuracy and adequacy of the information concerning: (1) the press releases that claim that FEMA has approved and official recognized Bravo which had recently been picked up by third party touts and the fact that Bravo's SAM registration had terminated; (2) the fact that Bravo had not publically disclosed the fact that its officers and directors are also officers and directors of two other publically traded issuers, both of which are located at the same business address as Bravo; (3) the fact that Bravo had issued press release touting their industrial / commercial machines for the Ebola crisis but had actually never sold any of these models and had few financial resources in order to break into the industrial / commercial market.

Dated: 2/3/2015



On February 3, 2015, James Lauchlan Wash, a person known to me, personally appeared before me and swore under oath the foregoing Affidavit.

Commonwealth of Massachusetts
On this 3 day of February, 2015,
James Lauchlan Wash
personally appeared before me, and proved to me through
satisfactory evidence of identification, which were Drivers license
to be the person whose name is signed on the preceding or
attached document in my presence.


Thomas Charlton
Notary Public
Commission expires:

Commonwealth of Massachusetts

On the _____ day of _____, 20____

_____ personally appeared before me, and proved to me through
substantial evidence of identification, which were
of the person whose name is signed on the foregoing
attached document in my presence.

My Commission Expires _____
THOMAS R. DONOVAN, Notary Public
My Commission Expires _____



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February 5, 2014

FEMA Approval and Phil Esposito Assists Bravo's AirWell 3000 Marketing

February 5, 2014

NEW YORK, Feb. 5, 2014 (GLOBE NEWSWIRE) -- **Bravo Enterprises Ltd.** (OTCBB:OGNG) reports that since October, 2013, when the Company received official recognition from the United States Federal Emergency Management Agency, better known as FEMA, the Company has been actively marketing the AirWell 3000, its air-to-water commercial and industrial machine. The AirWell 3000 has a proprietary technology whereby its drive system can switch from one energy source to another, such as electricity to gas or diesel generators, for water generation with no additional cost.

The AirWell 3000 produces up to 11,000 litres of pure drinking water per day at a cost that ranges from \$0.03 to \$0.08 per gallon. In addition, there will be a minimum need for infrastructure to use these machines. Pending orders for the sale of these machines will come from bottling companies who bottle soft drinks, juice and water, humanitarian and disaster relief organizations, real estate developers and governmental agencies.

Phil Esposito, Chairman of the Advisory Board and former head coach and general manager of the New York Rangers before becoming the visionary and co-founder of the Tampa Bay Lightning in 1992 is helping the Company with the AirWell 3000 machines. Mr. Esposito's contacts are vast and his assistance in its marketing and distribution is greatly valued. Further information on the AirWell 3000 can be found on our website www.splashwaterforlife.com.

"The potential use of the AirWell 3000 is endless and the water from these machines makes the best ice," states Phil Esposito.

About **Bravo Enterprises Ltd.**:

Bravo has the exclusive manufacturing, marketing and distribution rights worldwide for its AIRMAX 3000 and AIRWELL 3000 atmospheric water harvesting machines, production models developed exclusively for the generation of clean, safe drinking water for human consumption.

For further information contact: 1-888-488-6882

Visit our website: www.bravoenterprises.ws or www.splashwaterforlife.com

/s/ Jaclyn Cruz

Jaclyn Cruz, President

Safe Harbor Statement under the Private Securities Litigation Reform Act of 1995: The statements contained herein which are not historical fact are forward-looking statements that are subject to risks and uncertainties that could cause actual results to differ materially from those expressed in the forward-looking statements, including, but not limited to, certain delays in testing and evaluation of products and other risks detailed from time to time in **Bravo Enterprises Ltd.**'s filings with the Securities & Exchange Commission.

FEMA Approval and Phil Esposito Assists Bravo's AirWell 3000 Marketing

CONTACT: 1-888-488-6882

---- Index References ----

Company: **BRAVO ENTERPRISES LTD**

News Subject: (Sales & Marketing (1MA51); Business Management (1BU42))

Industry: (Utilities (1UT12); Energy & Fuel (1EN13); Diesel (1DI26); Oil & Gas Retail Marketing & Sales (1OI88); Automotive Fuels (1AU95); Water Utilities (1WA58); Oil & Gas (1OI76); Utilities Technology (1UT40))

Region: (Florida (1FL79); Americas (1AM92); U.S. Mid-Atlantic Region (1MI18); U.S. Southeast Region (1SO88); North America (1NO39); USA (1US73); New York (1NE72))

Language: EN

Other Indexing: (Phil Esposito) (Patchogue; NY; US)

Keywords: CORPORATE (Product / Services Announcement)

Company Terms: **Bravo Enterprises Ltd.**

Product: Crude Petroleum & Natural Gas

Sic: 1311

Ticker Symbol: OBB:OGNG

Word Count: 383

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Bravo Confirms Water is Top Priority in Ebola Outbreak

--- Index References ---

Company: **BRAVO ENTERPRISES LTD**

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Region: (Africa (1AF90); Liberia (1LI90); West Africa (1WE48))

Language: EN

Other Indexing: (Jaclyn Cruz; Jaclyn Cruz)

Word Count: 357

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ENFORCEMENT DIVISION

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February 3, 2015

By FACSIMILE AND UPS

Brent Fields, Secretary
Office of the Secretary
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549



Re: *In the Matter of Bravo Enterprises, Ltd. and Jaclyn Cruz*
Administrative Proceeding File No. 3-16282

Dear Mr. Fields:

Enclosed for filing in the above-referenced administrative proceeding, please find an original and three copies of the filing entitled "Division of Enforcement's Opposition to Petitioners' Opening Brief in the Matter of Bravo Enterprises, Ltd. And Jaclyn Cruz."

Thank you for your attention to this matter.

Very truly yours,

Deena Bernstein
Senior Trial Counsel

Enclosure
cc: Service List